

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 05-0556-01 MHP

Plaintiff(s),

**ORDER REVOKING AND  
REINSTATING SUPERVISED RELEASE  
AND JUDGEMENT**

v.

CHARLES J ROYBAL,

Defendant(s).

United States District Court  
For the Northern District of California

This matter came on pursuant to an Order to Show Cause why supervised release should not be revoked. Defendant appeared in person with his attorney Barry Portman. The United States was represented by Assistant United States Attorney Acadia Senese.

The defendant was advised of the following:

1. His right to a hearing on the alleged violations of supervised release;
2. His right to confront and cross-examine witnesses;
3. His right to produce evidence and witnesses at the hearing without cost to him if he could not afford the same;
4. His right to continue to have court appointed counsel represent him throughout the proceedings; and
5. The nature of the revocation proceedings and the consequences if a violation was found and supervised release revoked or modified.

The court finds that defendant was fully advised of his constitutional and statutory rights in connection with these proceedings either as a basis for modification or revocation; that he fully understands the nature of the proceeding and the defenses that he may assert in the proceeding; that he fully understands the consequences of the proceeding; and that he freely and voluntarily waives

1 his right to a hearing, his counsel consenting thereto.

2 The court finds that the defendant has admitted to the violations as alleged in the petition to  
3 revoke and that such violations are sufficient cause to revoke supervised release.

4  
5 Charge 1: Violation of Standard Condition which states that defendant shall not commit  
6 any federal, state, or local crime in that on May 4, 2009, defendant was  
7 arrested for public intoxication by Rio Dell Police Department.

8 Charge 2: Violation of Standard Condition which states that defendant shall not commit  
9 and federal, state, or local crime in that on May 26, 2009, defendant was  
10 arrested for resisting or obstructing a police officer, and fighting in public.

11 Charge 3: Violation of Standard Condition which states, in part, that defendant shall  
12 refrain from the use of any controlled substance except as prescribed by a  
13 physician, in that on May 7, 14, 21, 28, June 4, 1, 18, August 6, 13, 2009,  
14 defendant submitted urine specimens at Humboldt Family Service Center,  
15 which tested positive for Marijuana. Further September 17, 2009 urine testing  
16 tested positive for amphetamine and methamphetamine.

17 Based on the foregoing,

18 IT IS ADJUDGED that Supervised Release is hereby REVOKED AND REINSTATED for  
19 a further Term of Supervised Release of 1 (one) year, with all previously ordered conditions of  
20 release to remain in full effect. A further condition of release is custody of BOP for a period of 6  
21 (six) months, stayed pending further order of Court. Count 4 (four ) of the November 6, 2009  
22 petition is dismissed.

23  
24  
25 Dated: 11/24/2009

  
MARILYN HALL PATEL  
United States District Court